

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PETER MOREY, D.V.M.

Plaintiff,

v.

**HEALTHY PET CORP. OF
MASSACHUSETTS AND HEALTHY
PET CORP.**

Defendants.

RECEIPT # 55750
AMOUNT \$ 150
SUMMONS ISSUED _____
LOCAL RULE 4.1 _____
WAIVER FORM _____
MCF ISSUED _____
BY DPTY. CLK. JS
DATE 5-10-04

04 - 10924 JLT

NOTICE OF REMOVAL

MAGISTRATE JUDGE Dein

Pursuant to 28 U.S.C. § 1446(a), the Defendants, Healthy Pet Corp. of Massachusetts and Healthy Pet Corp. file this Notice to remove the above-captioned case to this Court. In support of removal, the Defendants respectfully state as follows:

1. Healthy Pet Corp. and Healthy Pet Corp. of Massachusetts are the Defendants in a civil action brought on or about April 6, 2004 in the Superior Court of Middlesex County, Massachusetts, identified as Peter Morey D.V.M. v. Healthy Pet Corp. of Massachusetts, et al., MLCV-2004-01485 (the "State Court Action").

2. A copy of the Complaint, which is the initial pleading setting forth the claims for relief upon which this action is based, was served upon the Defendants on April 8, 2004. This Notice of Removal is filed within thirty (30) days of notice upon the Defendants of this action and is timely filed pursuant 28 U.S.C. § 1446(b).

3. Removal of this action is proper under 28 U.S.C. § 1441(a) as it is a civil action brought in a state court, of which the District Courts of the United States have original jurisdiction under 28 U.S.C. § 1331. The plaintiff seeks relief under the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1961, a federal statute.

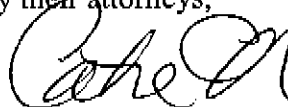
4. Pursuant to 28 U.S.C. § 1446(d), notice of the filing of this Notice of Removal is being given to all parties in the State Court Action by filing a Notice of Filing Notice of Removal of Action, along with a copy of this Notice of Removal, in the State Court Action and by service upon all parties in accordance with applicable law.

5. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings and orders served upon Defendants are attached hereto as Exhibit A. Pursuant to L.R. 81.1, Defendants will file in this Court, within thirty (30) days after filing this Notice of Removal, certified or attested copies of all records and proceedings in the Middlesex Superior Court and a certified or attested copy of all docket entries in the Middlesex Superior Court.

6. Defendants reserve the right to raise all defenses and objections in this action after the action is removed to this Court.

Respectfully submitted,
**HEALTHY PET CORP. OF
MASSACHUSETTS AND HEALTHY PET
CORP.,**

By their attorneys,



Catherine E. Reuben BBO#552379
ROBINSON & COLE LLP
One Boston Place
Boston, MA 02108
Tel 617-557-5916

Dated: May 10, 2004

CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2004, I caused to be served a true and correct copy of the foregoing by first class mail, postage prepaid, addressed as follows:

Frank C. Muggia, Esq.
6438 W. Quaker Street
Orchard Park, New York 14127



Catherine E. Reuben